

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION**

**JILL DILLARD, JESSA SEAWALD,
JINGER VUOLO, and JOY DUGGAR**

PLAINTIFFS

VS.

NO. 17-CV-05089-TLB

**CITY OF SPRINGDALE, ARKANSAS;
WASHINGTON COUNTY, ARKANSAS;
KATHY O'KELLEY, in her individual
and official capacities;
RICK HOYT, in his individual and official capacities;
STEVE ZEGA, in his official capacity;
BAUER PUBLISHING COMPANY, L.P.;
BAUER MAGAZINE L.P.;
BAUER MEDIA GROUP, L.P.;
BAUER, INC.;
HENRICH BAUER NORTH AMERICA, INC.;
BAUER MEDIA GROUP USA, LLC; and
DOES 1-10, inclusive**

DEFENDANTS

DEFENDANTS' JOINT¹ MOTION FOR JUDGMENT ON THE PLEADINGS

Come now the Defendants jointly, and for their Motion for Judgment on the Pleadings pursuant to Rule 12(b)(6), do state:

1. The Plaintiffs filed their Complaint in this case on May 18, 2017, alleging a number of legal causes of action against a host of Defendants. Doc. # 1. Through an extended procedural lead-up, those claims have now been narrowed, as has the pool of Defendants. The Plaintiffs' three remaining claims - now made against only a few Defendants affiliated with Washington County and the City of Springdale, respectively - are tort claims made under Arkansas law: (1) Outrage, (2) Invasion of Privacy by Intrusion upon Seclusion, and (3) Invasion of Privacy by Public Disclosure of Private Facts.

2. For the reasons set forth in the accompanying brief in support, which is adopted and incorporated herein by reference as if set forth word for word, and primarily based on the Court of

¹ The undersigned counsel for the Separate Washington County Defendants has communicated with counsel for the Separate Springdale Defendants, who have agreed to the form and substance of this motion and have authorized the undersigned counsel to file this motion and supporting brief jointly on behalf all Defendants.

Appeals holding *Duggar v. City of Springdale*, 2020 Ark.App. 22, which was effectively affirmed by the Arkansas Supreme Court, which rejected an attempted appeal of the decision, Defendants are entitled to judgment on the pleadings as a matter of law.

For the reasons set forth herein, and pursuant to Rule 12(b)(6), the Defendants respectfully request that Plaintiff's Complaint be dismissed on the pleadings.

Respectfully submitted,

Rick Hoyt, et al,
Defendants

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